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BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DR. GERALD FINKEL, *as Chairman of the
Joint Industry Board of the Electrical
Industry,*

Plaintiff,

-against-

UNIVERSAL SECURITY SYSTEMS, INC.,

Defendant.
-----X

NICHOLAS G. GARAUFIS, United States District Judge.

On October 5, 2010, Plaintiff Dr. Gerald Finkel, as Chairman of the Joint Industry Board of the Electrical Industry, brought this action against Defendant Universal Security Systems, Inc. ("Universal"). (Compl. (Docket Entry # 1).) Plaintiff seeks unpaid employee benefit fund contributions, and other monetary and injunctive relief, pursuant to Sections 404, 409, 502, and 515 of the Employee Retirement Income Security Act, 29 U.S.C. §§ 1104, 1109, 1132, and 1145, and Section 301 of the Labor Management Relations Act, 29 U.S.C. § 185. (*Id.* ¶ 1.) Defendant failed to plead or otherwise defend this action.

On July 27, 2011, the court granted Plaintiff's motion for default judgment and referred this matter to Magistrate Judge Lois Bloom for a Report and Recommendation ("R&R") on damages and injunctive relief. (Docket Entry # 11.) On September 9, 2011, Judge Bloom issued the R&R. (Docket Entry # 12.) Judge Bloom recommended that default judgment be entered against Universal as follows: \$197,568.37 in unpaid contributions; \$8,098.14 in interest plus per diem interest of \$17.75 from March 30, 2011 through the date of judgment; \$119,653.14 in liquidated damages; \$4,372.50 in attorney's fees; and \$423.28 in costs. (*Id.* at 1, 5-19.) Judge

Bloom further recommended that Plaintiff's request for injunctive relief be denied. (Id. at 1, 19-21.)

On September 12, 2011, Plaintiff certified that he served a copy of Judge Bloom's R&R on Universal. (Docket Entry # 13.) No party has objected to the R&R, and the time to do so has now passed. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). In reviewing a magistrate judge's report and recommendation on a dispositive matter, the district court "may adopt those portions of the Report to which no objections have been made and which are not facially erroneous." La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); see also Porter v. Potter, 219 F. App'x 112, 113 (2d Cir. 2007) (failure to object waives further judicial review). Having reviewed Judge Bloom's well-reasoned R&R, the court adopts it in its entirety. See Porter, 219 F. App'x at 113.

Having granted Plaintiff's motion for default judgment, the court awards damages against Universal in the amount described in Judge Bloom's R&R. Plaintiff's request for injunctive relief is DENIED.

SO ORDERED.

Dated: Brooklyn, New York
November 9, 2011

s/Nicholas G. Garaufis
NICHOLAS G. GARAUFIS ✓
United States District Judge